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District of Nevada

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DARWIN MAZARIEGOS-DIAZ,) Case No. 2:17-cv-00440

Plaintiff,

v.

LAUREN NICHOLE PARNELL and
JESSICA JACOBSEN,

Defendants.

NOTICE OF SUBSTITUTION

Please take notice that, pursuant to the Federal Employees Liability Reform and Tort Compensation Act of 1988, §§ 5, 6, Pub. L. No. 100-694, 102 Stat. 4563 (1988) (codified at 28 U.S.C. § 2679) (the “Westfall Act”), the United States is hereby substituted for the individual Defendant, Lauren Nichole Parnell (“Parnell”), in this matter. The bases for the instant substitution are as follows:

1. In the Complaint, Plaintiff alleges a traffic accident involving Parnell. The United States has determined that the accident that is the subject of Plaintiff’s Complaint occurred while Parnell was acting within the course and scope of federal employment or office with the United States.

1 2. The Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)(1), 2401(b), 2671-2680 (“FTCA”),
2 as amended by the Westfall Act, provides that a suit against the United States shall be the
3 exclusive remedy for persons with claims for damages resulting from the negligent or wrongful
4 acts or omissions of federal employees taken within the scope of their office or employment. 28
5 U.S.C. § 2679(b)(1).

6 3. Upon certification by the Attorney General that a federal employee was acting within
7 the scope of his office or employment at the time of the incident out of which a claim arises, any
8 civil action arising out of the incident shall be deemed an action against the United States, and
9 the United States shall be substituted as sole defendant with respect to those claims. *See* 28
10 U.S.C. § 2679(d)(1), (2). The Attorney General has delegated this certification authority to
11 United States Attorneys. *See* 28 C.F.R. § 15.4.

12 4. The United States Attorney for the District of Nevada has certified that at the time of the
13 subject accident, Parnell, was acting within the scope of her federal employment or office. The
14 United States Attorney’s Certification of Scope of Employment is attached hereto as Exhibit A.

15 WHEREFORE, the United States has been substituted by operation of law for all claims
16 alleged in the Complaint against Parnell.

17 For the convenience of the Court, the United States tenders the proposed Order, attached
18 hereto as Exhibit B, to reflect this substitution and correct the caption accordingly.

19 Respectfully submitted this 9th day of February 2017.

20 DANIEL G. BOGDEN
21 United States Attorney

22 /s/ Patrick A. Rose
23 PATRICK A. ROSE
24 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I, Patrick A. Rose, certify that the following individuals were served with the **NOTICE OF SUBSTITUTION** on the date and via the method of service identified below.

U.S. Mail & Electronic Mail:

Anthony P. Sgro
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Dated this 9th day of February 2017.

/s/ Patrick A. Rose
PATRICK A. ROSE
Assistant United States Attorney